

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

MATTHEW STEPHAN McCormick  
Enter the full name of the plaintiff in this action

COMPLAINT

v.

MICHAEL Vick  
Accomplice - "MICHAEL"  
(Last Name Unknown)

Civil Action No. 3:07-3402-HFF-WMC  
(to be assigned by Clerk)

Atty For Vick - Billy MARTIN  
Enter above the full name of defendant(s) in this action

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonment? Yes \_\_\_\_\_ No /

B. If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to this previous lawsuit:

Plaintiff: N/A

Defendant(s): N/A

2. Court: N/A  
(If federal court, name the district; if state, name the county)

3. Docket Number: N/A

4. Name of Judge to whom case was assigned: N/A

5. Disposition: N/A  
(For example, was the case dismissed? Appealed? Pending?)

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

## II. PLACE OF PRESENT CONFINEMENT

A. Name of Prison/Jail/Institution: KIRKLAND C.I.

B. What are the issues that you are attempting to litigate in the above-captioned case?

THEFT / BREACH OF TRUST - CONTRACT

C. (1) Is there a prisoner grievance procedure in this institution? Yes / No     

(2) Did you file a grievance concerning the claims you are raising in this matter? Yes      No /

When      Grievance Number (if available)     

N/A

D. Have you received a final agency/departamental/institutional answer or determination concerning this matter (i.e., your grievance)? Yes      No     

N/A

E. When was the final agency/departamental/institutional answer or determination received by you?     

*If possible, please attach a copy of your grievance and a copy of the highest level decision concerning your grievance that you have received.*

N/A

F. If there is no prison grievance procedure in this institution, did you complain to prison, jail, or institutional authorities? Yes      No     

N/A

G. If your answer is YES:

1. What steps did you take?     

2. What was the result?     

## III. PARTIES

*In Item A below, place your name, inmate number, and address in the space provided. Do the same for additional plaintiffs, if any.*

A. Name of Plaintiff: MATTHEW S. McCOORMICK Inmate No.: 178817

Address: 4344 BROAD RIVER RD. COLA. S.C 29210

*In Item B below, place the full name of the defendant, his official position, and place of employment in the space provided. Use Item C for additional defendants, if any.*

B. Name of Defendant: MICHAEL VICK Position: ATHLETE / NFL

Place of Employment: NATIONAL FOOTBALL LEAGUE - (SUSPENDED CURRENTLY INDICTED FOR DOG ABUSE)

C. Additional Defendants (provide the same information for each defendant as listed in Item B above):

Attorney - Billy MARTIN FOR M. VICK  
MICHAEL VICK'S CLOSE FRIEND - ALSO INVOLVED  
IN THIS THEFT - BREACH CONTRACT / TRUST  
FIRST NAME ALSO "MICHAEL" (LAST NAME UNKNOWN)

#### IV. STATEMENT OF CLAIM

State here as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an extra sheet if necessary.

BETWEEN THE END OF MARCH 06' AND MID-APRIL 06', MICHAEL VICK - (THEN NFL QUARTERBACK FOR THE ATLANTA FALCON FOOTBALL TEAM) AND HIS ACCOMPLICE (ONLY KNOWN AS "MICHAEL") VISITED A COLUMBIA \*NIGHTCLUB WHERE I WAS EMPLOYED PART-TIME AS A BARTENDER. ON THIS PARTICULAR NIGHT I WAS NOT WORKING. I WAS THERE ONLY TO HELP CLOSE, AND THERE WERE LESS THAN 15 PEOPLE IN THE CLUB INCLUDING VICK AND "MICHAEL". WE HAD A CONVERSATION WHERE I LEARNED THAT VICK HAD COME TO THE CLUB FROM "PLATINUM PLUS" - (STRIP CLUB OFF GREYSTONE BLVD) VICK AND "MICHAEL" WANTED TO KNOW WHAT ELSE WAS OPEN AT THAT LATE HOUR. I TREATED THEM TO BEERS, AND WE BEGAN TALKING ABOUT DOGS. I THEN SHOWED VICK PICTURES OF DOGS I KEPT STORED IN MY CELL-PHONE. VICK SHOWED PARTICULAR INTEREST IN MY RED-NOSE PIT "CLUBBER". I TOLD VICK THAT I HAD A SMALL KENNEL IN HOPKINS S.C. W/ ABOUT 6 DOGS THAT WERE FOR SALE. VICK TOLD ME HE WOULD GIVE A GOOD PRICE FOR CLUBBER BUT I TOLD HIM HE WAS MY PERSONAL DOG THAT I HAD ONLY 6 MONTHS. HE TOLD ME THAT HE WANTED TO SEE THE DOGS IN HOPKINS, SO WE EXCHANGED -

\* ROCKAWAYS JAMAICAN CLUB ON TWO NOTCH RD. IN COLA.  
OWNER - KEVIN SMITH AKA JIMMY - ASSIST. MANAGER - "ACE"  
BLACK JAMAICAN FEMALE "POOCHIE" ALSO BARTENDER.

PHONE NUMBERS AND HE TOLD ME HE'D CALL ME THAT WEEKEND. THAT WEEKEND PASSED WITHOUT ANY CALLS, SO I CALLED VICK AND REACHED "MICHAEL" INSTEAD. HE SAID THAT HE WAS IN VIRGINIA AND THAT VICK WANTED ME TO COME UP WITH THE SAME DOG WE TALKED ABOUT (CLUBBER). I TOLD HIM THAT I WAS NOT INTERESTED IN PARTING WITH CLUBBER BUT I WOULD LET VICK USE CLUBBER TO "SEED" ANY OF HIS DOGS. I CALLED MICHAEL BACK THE FOLLOWING DAY AND WAS ABLE TO SPEAK TO VICK. HE TOLD ME WE'D TALK WHEN I GOT UP THERE TO VA. AND HE SAID HE'D MAKE IT WORTH MY TIME. WE AGREED TO MEET IN PETERSBURG, VA. (NOT FAR FROM PETERSBURG FEDERAL C.I.) VICK TOLD ME THAT HE WANTED TO KEEP CLUBBER FOR NO MORE THAN 30 DAYS TO BREED W/ HIS OTHER PIT-BULLS. HE SAID THAT AT THE END OF THE 30 DAYS, HE WOULD GIVE ME A MONETARY SUM BASED ON HOW MANY OF HIS DOGS CONCEIVED FROM CLUBBER'S SEED, AND THAT I WOULD ALSO GET A PICK FROM ANY LITTER LATER ON. I AGREED TO THIS CONTRACT AND WE PARTED WAYS - THROUGHOUT THE MONTH AHEAD I PERIODICALLY CALLED \*MICHAEL TO SEE IF ANY PROGRESS HAD BEEN MADE. AND HIS CONVERSATIONS WERE SHORT AND HE SAID IT WAS TOO EARLY - \* VICK GAVE ME THE CELL #, BUT HIS FRIEND "MICHAEL" ALWAYS ANSWERED.




- TO TELL AND THAT CLUBBER WAS BEING WELL CARED FOR. EACH TIME I CALLED, VICK WAS NOWHERE AROUND. AROUND LATE MAY 06, I CALLED THE NUMBER VICK GAVE ME AND TRIED TO ESTABLISH A TIME AND PLACE TO MEET TO PICK UP CLUBBER. ONE TIME I GOT A GUY ON THE PHONE WHO ASKED ME WHO I WAS AND TO LEAVE A MESSAGE. (IT WASNT MICHAEL OR VICK) I ENDED UP DRIVING TO VIRGINIA 4 TIMES LOOKING FOR ANY SIGN OF VICK OR MICHAEL WHERE WE HAD MET, AND WAS \*UNSUCCESSFUL. I WAS THEN ARRESTED IN LATE JUNE 06 FOR RECEIVING STOLEN GOODS AND COULD NOT MAKE BAIL. I TRIED TO HIRE THE MASCELLA LAW FIRM TO HELP ME LOCATE VICK AND MY DOG, BUT I WAS UNSUCCESSFUL AND TOO BUSY W/ MY CRIMINAL CASES. I ENDED UP RECEIVING 4 YEARS ON CONVICTION AND WAS SENT TO SCDC. I NEVER HAD MUCH MORE ABILITY TO TRY TO REACH VICK. THEN I HEARD ABOUT VICK GETTING INTO TROUBLE FOR DOG-FIGHTING, AND TRIED TO GET IN CONTACT W/ THE U.S. MARSHAL SERVICE TO TRY TO RETRIEVE CLUBBER. I HAD NO IDEA THAT MR. VICK WAS USING MY DOG TO MULTIPLY HIS DOGS FOR ILLEGAL USE. I DONT THINK HE HAD ANY PLANS ON RETURNING CLUBBER TO ME.

\* WE MET IN PETERSBURG AT A PLACE WHERE PEOPLE HAVE REMOTE CONTROLLED AIRPLANES - I DID NOT HAVE VICKS ADDRESS AND COULD ONLY HOPE TO SPOT HIM.

## ADDITION TO COMPLAINT —

- 1) I Believe this Action Must fall under federal Jurisdiction and not state because the defendants are not residents of South Carolina.
- 2) Plaintiff is filing Pro Se and is not familiar w/ guidelines and statutes applicable to this Action, and would ask the Court for that Consideration, in the absence of terms including - Issues of Material fact, manner of - compensation, i.e. declaratory / injunctory etc...
- 3) Plaintiff is currently incarcerated in "Statewide Protective custody", which he is in a cell 24 hours daily and does not have meaningful access to a law library or person/s trained in law. Plaintiff must fill out a "request" for law books (not to exceed 3) and books may or may not be delivered the same week of request, (if at all). Plaintiff is unaware of special conditions for filing this Action.
- 4) Damages for Plaintiff are considered Compensatory as well as Punative. Asking for return of property and/or monetary relief. Damages also Actual
- 5) Mr. Vick is believed to have violated constitutional protective rights of this plaintiff, including, but not limited to; 5th, 8th and 14th Amendments.

  
Matthew McCormack  
- Plaintiff

V. RELIEF

State briefly and exactly what you want the court to do for you.

My Dog Is Clearly Distinguishable Because Of  
A TATTOO ON HIS RIGHT FLANK, OF HIS NAME (FOR ID)  
IN CELTIC LETTERS. I WOULD LIKE TO SUE MR. -  
VICK FOR THEFT BY DECEPTION / BREACH OF TRUST, ETC. <sup>+ CONTRACT</sup>  
I WANT MY DOG "CLUBBER" RETURNED TO ME  
(IF POSSIBLE) AND DAMAGES OF EVERY APPLICABLE  
NATURE IN THE MONETARY SUM OF \$30,000.00 EACH.  
IF CLUBBER WAS MADE TO FIGHT OTHER DOGS (OR TRAINED)  
I WANT 1 MILLION U.S. DOLLARS IN DAMAGES.  
I BOUGHT CLUBBER IN OCTOBER 2005 WHILE I  
WAS IN DETROIT MICHIGAN - (\$1,200.00) AND LOVED THIS  
DOG LIKE A FAMILY MEMBER. I ALSO HAVE RECORDS OF  
HIS TREATMENT AT VET CLINIC IN PORT HURON, MI. DEC 2005  
ACTUAL AND PUNITIVE DAMAGES APPLY IN EXCESS OF \$75,000.00

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7<sup>TH</sup> day of OCTOBER, 20 07.

  
Signature of Plaintiff